

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GREAT AMERICAN INSURANCE)
COMPANY OF NEW YORK,)
Plaintiff,)
v.) Civil Action No.: 04-11968-MEL
KELLAWAY WAREHOUSE SERVICES,)
MANCHESTER MOTOR FREIGHT,)
CONSOLIDATED RAIL CORP., and)
ROUND THE WORLD LOGISTICS,)
Defendants.)

PROPOSED JOINT STATEMENT

The parties in the above captioned action, by their attorneys, submit the following proposed joint statement pursuant to the provisions of Federal Rule of Civil Procedure 16(b) and Local Rule 16.1. An initial status conference is scheduled for June 2, 2005.

I. Obligation of Counsel to Confer:

Counsel for the parties have conferred in accordance with the provisions of Local Rule 16.1. Counsel agree to explore the possibilities of alternative dispute resolution upon the completion of discovery.

Counsel also certify that they have conferred with their respective clients concerning those matters set forth in Local Rule 16.1 (D)(3) prior to the scheduling conference.

II. Joint Statement:

A. Phase I. Factual Discovery:

For developing information needed for a realistic assessment of the case and to enable the parties to file substantive motions.

1. Factual discovery conducted up to and including, November 1, 2005.

B. Substantive Motions:

1. Motions to Amend to add parties filed as soon as the party can reasonably be expected to have become aware of the identity of the new party.
2. All dispositive and substantive motions to be filed up to and including, December 1, 2005.
3. Motions for Judgment as a Matter of Law filed at any time.

C. Phase 2. Trial Preparation:

For developing information needed to prepare for trial.

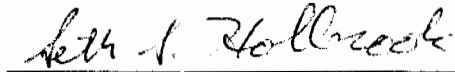
1. Initial designation of expert witnesses and disclosure of information contemplated by Federal Rule of Civil Procedure 26 (b)(4)(A)(i) is to be provided by January 1, 2006.
2. Counter designation of expert witnesses and disclosure of information contemplated by Federal Rule of Civil Procedure 26 (b)(4)(A)(i) is to be provided by February 1, 2006.
3. Depositions of experts will not be conducted before February 15, 2006, but will be completed by April 1, 2006.
4. The parties request that a final pre-trial conference be held in April, 2006, and that this matter be placed on the Courts running trial list for May 1, 2006.

III. Certification of Parties and their Counsel

The parties and their counsel herein certify that they have conferred with a view to establishing a budget for the costs of conducting the full course, and various alternative courses of this litigation; and they have considered and discussed the resolution of this litigation through the use of alternative dispute resolution programs as outlined in Local Rule 16.4.

By their attorneys,

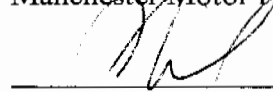
Attorneys for the Plaintiff,



Seth S. Holbrook, BBO# 237850
HOLBROOK & MURPHY
150 Federal Street, 12th Floor
Boston, MA 02110
(617) 428-1151
holbrook_murphy@msn.com

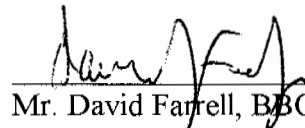
Attorneys for the Defendant,

Manchester Motor Freight, Inc.,



Christopher J. O'Rourke, BBO#
888 Worcester Street, Suite 260
Wellesley, MA 02482
781-235-8022
orourkelawoffice@aol.com

Consolidated Rail Corporation,



Mr. David Farrell, BBO#
P.O. Box 186
South Chatham, MA 02659
508-432-2121

Round the World Logistics,



Mark Gildea, BBO#
Clark Balboni & Gildea, LLP
126 Belmont Street
Brockton, MA 02401
508-586-1411